

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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EDWARD H. PAYNE, JR.,	:	
Plaintiff,	:	
v.	:	CIVIL ACTION NO. 11-2266
	:	
HOME DEPOT U.S.A., INC.,	:	
Defendant.	:	
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ORDER

AND NOW, this 19th day of February 2013, pursuant to the order of the Court of Appeals directing the Clerk of the District Court to treat the notice of appeal filed on June 26, 2012 as an appeal to the District Judge from the Magistrate Judge's order entered June 18, 2012, and upon consideration of the parties' briefs [Doc. Nos. 41 and 42], and a review of the record, including the transcript of a hearing held on June 18, 2012, and the Court having determined that oral argument or a further hearing is not necessary, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** the Appeal is **DENIED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.